



## COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663  
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### CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

March 28, 2013  
Agenda Item # 2

**SUBJECT:** 309 Goldenrod Avenue Parcel Map - (PA2013-009)  
309 Goldenrod Avenue  
▪ Tentative Parcel Map No. NP2013-002  
▪ County Tentative Parcel Map No. 2012-158

**APPLICANT:** Galina Cohen

**PLANNER:** Jason Van Patten, Planning Technician  
(949) 644-3234, [jvanpatten@newportbeachca.gov](mailto:jvanpatten@newportbeachca.gov)

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### ZONING DISTRICT/GENERAL PLAN

- **Zone:** R-2 (Two-Unit Residential)
- **General Plan:** RT (Two-Unit Residential)

### PROJECT SUMMARY

A parcel map for two-unit condominium purposes. No exceptions to Title 19 (Subdivision Code) development standards are proposed with this application. An existing single-family residence will be demolished and replaced with a two-unit condominium project that will provide the code required two-car parking per unit. The parcel map would allow each unit of the project to be sold individually.

### RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. \_ approving Parcel Map No. NP2013-002 (Attachment No. ZA 1).

### DISCUSSION

- An existing single-family residence (approximately 625 square feet) is to be demolished and replaced with a new 4,917-square-foot two-unit condominium that was approved for Building permits, November 28, 2012.

- The property is designated for two-unit residential use by the General Plan and Zoning Code. The new condominium project is consistent with this designation and a parcel map for condominiums does not change the use.
- Approval of the parcel map will allow each unit to be sold separately.
- The new condominium project will conform to current Newport Beach Municipal Code requirements and meet all Title 19 standards.
- Public improvements will be required of the applicant per the Municipal Code and Subdivision Map Act.
- The applicant will be subject to fees for park dedication and affordable housing in accordance with the provisions of Section 19.52 and 19.54 of the Newport Beach Municipal Code.

### **ENVIRONMENTAL REVIEW**

The project has been reviewed, and qualifies for a Class 15 (Minor Land Divisions) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act). The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The proposed Parcel Map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

### **PUBLIC NOTICE**

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant, and posted on the subject property at least ten (10) days prior to the decision date, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

### **APPEAL PERIOD:**

An appeal may be filed with the Director of Community Development within ten (10) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200

Prepared by:

  
\_\_\_\_\_  
Jason Van Patten  
Planning Technician

JG/jvp

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Parcel Map No. NP2013-002
		County Tentative Parcel Map No. 2012-158



# **Attachment No. ZA 1**

Draft Resolution



## **RESOLUTION NO. ZA2013-0##**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2013-002 FOR A PARCEL MAP FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 309 GOLDENROD AVENUE (PA2013-009)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Galina Cohen, with respect to property located at 309 Goldenrod Avenue, and legally described as Lot 9 and the southwesterly 10 feet of Lot 11 in Block 233, excepting therefrom the northwesterly 27 feet of the northeasterly 2 feet of the southwesterly 10 feet of Lot 11 in Block 233 of Corona del Mar, as per map thereof recorded in Book 3, Pages 41 and 42 of Miscellaneous Maps, records of said Orange County, by Deed dated September 20, 1956, recorded September 24, 1956, in Book 3654, Page 116, official records of Orange County requesting approval of a tentative parcel map.
2. The applicant proposes a tentative parcel map for two-unit condominium purposes. No exceptions to the Title 19 (Subdivision Code) development standards are proposed with this application. The code required two-car parking per unit will be provided by the new development.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two-Unit Residential (RT-D).
5. A public hearing was held on March 28, 2013, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place, and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

#### **SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.**

1. The project has been reviewed, and qualifies for a Class 15 (Minor Land Divisions) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act).
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is

in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The proposed parcel map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

### SECTION 3. REQUIRED FINDINGS.

The Zoning Administrator determined in this case that the proposed parcel map is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps) of Title 19:

#### Finding:

- A. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

#### Facts in Support of Finding:

- A-1. The proposed parcel map is for two-unit condominium purposes. An existing single-family residence (approximately 625 square feet) will be demolished and replaced with a new 4,917-square-foot two-unit condominium project. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current General Plan Land Use Designation "Two-Unit Residential."

#### Finding:

- B. *That the site is physically suitable for the type and density of development.*

#### Facts in Support of Finding:

- B-1. The lot is physically suitable for two-unit development because it is regular in shape and has a slope of less than 20 percent.

#### Finding:

- C. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.*



Facts in Support of Finding:

- C-1. This project has been reviewed, and it has been determined that it qualifies for a Class 15 categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act). The Class 15 (Minor Land Divisions) exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The proposed parcel map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

Finding:

- D. *That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

Facts in Support of Finding:

- D-1. The proposed parcel map is for residential condominium purposes. All construction for the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 (General Improvement Requirements) of the Municipal Code and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

- E. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Facts in Support of Finding:

- E-1. The design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development, because there are no public easements located on the property.

Finding:

- F. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding:

- F-1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
- F-2. The site developed for residential use lies in a residentially zoned area.

Finding:

- G. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) There is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area.*

Facts in Support of Finding:

- G-1. The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code because the existing subdivision does not contain 50 or more parcels.
- G-2. The project is not located within a specific plan area.

Finding:

- H. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Facts in Support of Finding:

- H-1. The proposed parcel map and improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- I. *That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Facts in Support of Finding:

- I-1. The two-unit condominium project is consistent with the R-2 Zoning District which allows two units on the property. Therefore, the parcel map for condominium purposes will not affect the City in meeting its regional housing need.

Finding:

- J. *That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Facts in Support of Finding:

- J-1. Wastewater discharge into the existing sewer system has been designed to comply with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- K. *For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Facts in Support of Finding:

- K-1. The proposed parcel map is for two-unit condominium purposes. The proposed subdivision and improvements are consistent with the Coastal Land Use Plan designation RT-D (Two-Unit Residential).
- K-2. The subject property conforms to public access policies of Chapter Three of the Coastal Act because the new development maintains public access from the nearest public roadway to the shoreline and along the coast.
- K-3. Recreation policies pertaining to water-oriented recreational activities and uses contained within Chapter Three of the Coastal Act are not applicable to the subject property.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Parcel Map No. NP2013-002, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective ten days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 28<sup>th</sup> DAY OF MARCH, 2013.**

By:

\_\_\_\_\_  
Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL**

1. A parcel map shall be recorded. The map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. As per California Fire Code Section 903.2.8, an automatic sprinkler system shall be installed throughout all new buildings in a Group R occupancy. Each unit will require separate utilities for the fire sprinklers.
4. Smoke alarms shall be installed outside of each separate dwelling unit sleeping area in the immediate vicinity of bedrooms, and on every level of a dwelling unit including basements.
5. Prior to the recordation of the parcel map, in-lieu housing fees for one additional dwelling unit shall be paid consistent with the fee amount in effect at the time of payment as established by the City of Newport Beach Municipal Code.
6. Prior to the recordation of the parcel map, park dedication fees for one additional dwelling unit shall be paid consistent with the fee amount in effect at the time of payment as established by the City of Newport Beach Municipal Code.
7. Prior to the issuance of building permits, fair-share fees for one additional dwelling unit shall be paid consistent with the fee amount in effect at the time of payment as established by the City of Newport Beach Municipal Code.
8. All improvements shall be constructed as required by Ordinance and the Public Works Department.
9. The applicant shall reconstruct the existing broken and/or otherwise damaged concrete curb, gutter, sidewalk and alley panels along the Goldenrod Avenue frontage. Limits of reconstruction are at the discretion of the Public Works inspector.

10. Additional public works improvements, including street and alley reconstruction work may be required at the discretion of the Public Works Inspector.
11. All existing overhead utility connections shall be placed underground.
12. The applicant shall install new sod or low groundcovers of the type approved by the City throughout the Goldenrod Avenue parkway fronting the development site.
13. All private, non-standard improvements within the Goldenrod Avenue or alley public right-of-way shall be removed.
14. All above ground improvements shall stay clear of the alley setback.
15. Each dwelling unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover. Water meters and sewer cleanouts shall be located within the public right-of-way.
16. Each unit shall be served with individual gas and electrical service connections and shall maintain separate utility meters.
17. Two-car parking, including one in a garage and one covered or in a garage, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
18. In compliance with the requirements of Chapter 9.04, Section 901.4.4, of the Newport Beach Municipal Code, approved street numbers or addresses shall be placed on all new and existing buildings in such a location that is plainly visible and legible from the street or road fronting the subject property. Said numbers shall be of non-combustible materials, shall contrast with the background, and shall be either internally or externally illuminated to be visible at night. Numbers shall be no less than four inches in height with a one-inch wide stroke.
19. An approved encroachment permit is required for all work activities within the public right-of-way.
20. A Public Works Department encroachment permit inspection is required before the Building Division permit final can be issued. At the time of Public Works Department inspection, if any of the existing public improvements surrounding the site are damaged, new concrete sidewalk, curb and gutter, and alley/street pavement will be required and 100 percent paid by the owner. Said determination and the extent of the repair work shall be made at the discretion of the Public Works Inspector.
21. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.

22. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way may be required at the discretion of the Public Works Inspector.
23. All on-site drainage shall comply with the latest City Water Quality requirements.
24. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
25. Prior to the recordation of the parcel map, the applicant shall apply for a building permit for description change of the subject project development from "duplex" to "condominium." **The development will not be condominiums until this permit is finalized.** The building permit for the new construction shall not be finalized until after recordation of the parcel map.
26. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the 309 Goldenrod Avenue Parcel Map including, but not limited to, Parcel Map No. NP2013-002 (PA2013-009). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.
27. This parcel map shall expire if the map has not been recorded within 24 months of the date of approval, unless an extension is granted by the Planning Director in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.





## **Attachment No. ZA 2**

Vicinity Map



# VICINITY MAP



Tentative Parcel Map No. NP2013-002  
PA2013-009

**309 Goldenrod Avenue**



## **Attachment No. ZA 3**

Parcel Map No. NP2013-002

County Tentative Parcel Map No. 2012-158



PARCEL '1' LAND AREA:

4,667 SQUARE FEET  
0.11 ACRES

ZONING:

R-2 (TWO-UNIT RESIDENTIAL)

SEWER AND STORM DRAIN:

TIE INTO EXISTING CITY FACILITY.

PROPOSED USE OF LAND:

RESIDENTIAL/CONDOMINIUM

ASSESSOR'S PARCEL NUMBER:

052-081-09

NUMBER OF PARCELS:

ONE

SITE ADDRESS:

309 GOLDENROD AVENUE  
CORONA DEL MAR, CALIFORNIA 92625

FLOOD ZONE:

ZONE X

EASEMENTS:

THERE ARE NO EASEMENTS OF RECORD  
AFFECTING THE SUBJECT PROPERTY.

OWNER:

GALINA COHEN & WILLIAM MCBRIDE  
309 GOLDENROD AVENUE  
CORONA DEL MAR, CALIFORNIA 92625

SUBDIVIDER/APPLICANT(S):

GALINA COHEN & WILLIAM MCBRIDE  
309 GOLDENROD AVENUE  
CORONA DEL MAR, CALIFORNIA 92625

TITLE REPORT/EASEMENT NOTES

309 GOLDENROD AVENUE  
CORONA DEL MAR, CALIFORNIA 92625  
(APN: 052-081-09)

TITLE REPORT NO. O-SA-3993913

LEGAL DESCRIPTION

REAL PROPERTY SITUATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE  
OF CALIFORNIA DESCRIBED AS FOLLOWS:

LOT 9 AND THE SOUTHWESTERLY 10 FEET OF LOT 11 IN BLOCK 233, OF CORONA DEL MAR, AS  
PER MAP THEREOF RECORDED IN BOOK 3, AT PAGES 41 AND 42 OF MISCELLANEOUS MAPS,  
RECORDS OF SAID ORANGE COUNTY, BY DEED DATED SEPTEMBER 20, 1956, RECORDED  
SEPTEMBER 24, 1956, IN BOOK 3654, PAGE 116, OFFICIAL RECORDS OF ORANGE COUNTY,  
EXCEPTING THEREFROM THE NORTHWESTERLY 27 FEET OF THE NORTHEASTERLY 2 FEET OF  
THE SOUTHWESTERLY 10 FEET OF LOT 11 IN BLOCK 233 OF CORONA DEL MAR, AS SHOWN ON  
A MAP THEREOF RECORDED IN BOOK 3, PAGES 41 AND 42 OF MISCELLANEOUS MAPS,  
RECORDS OF SAID ORANGE COUNTY.

SURVEYOR'S NOTE

1. BOUNDARY AND TOPOGRAPHIC MEASUREMENTS SHOWN HEREON ARE BASED  
ON TOPOGRAPHIC CONDITIONS AND FOUND MONUMENTS IN THE COURSE OF A  
FIELD SURVEY PERFORMED IN MAY, 2012. DETAILED BOUNDARY AND  
MONUMENT INFORMATION WILL BE REFLECTED ON THE FINAL PARCEL MAP.

SURVEYOR:

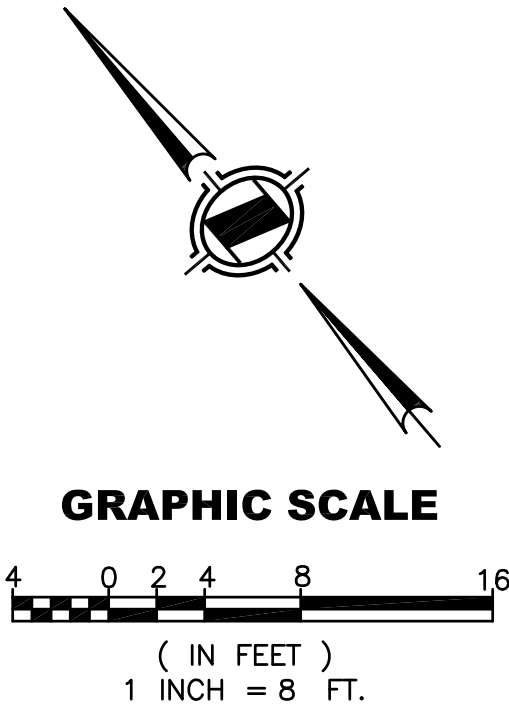
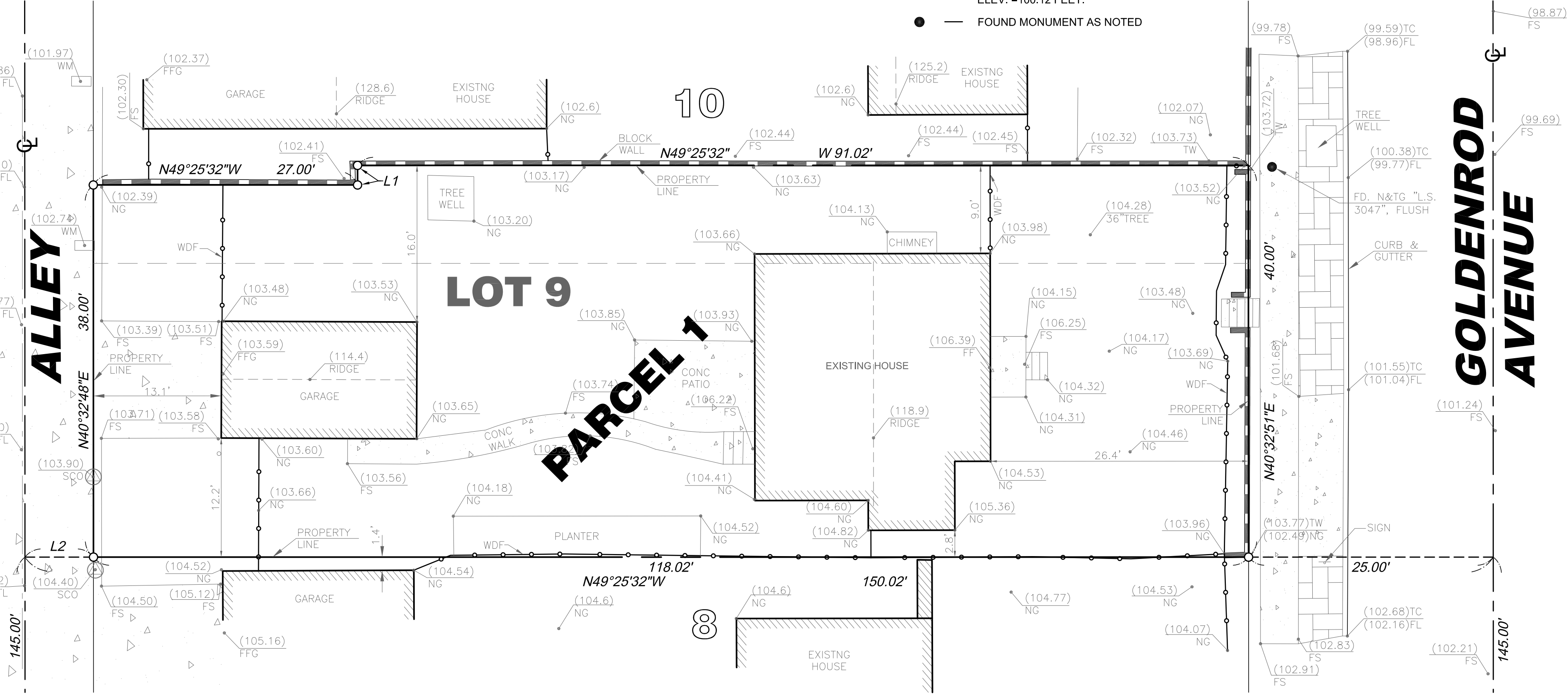
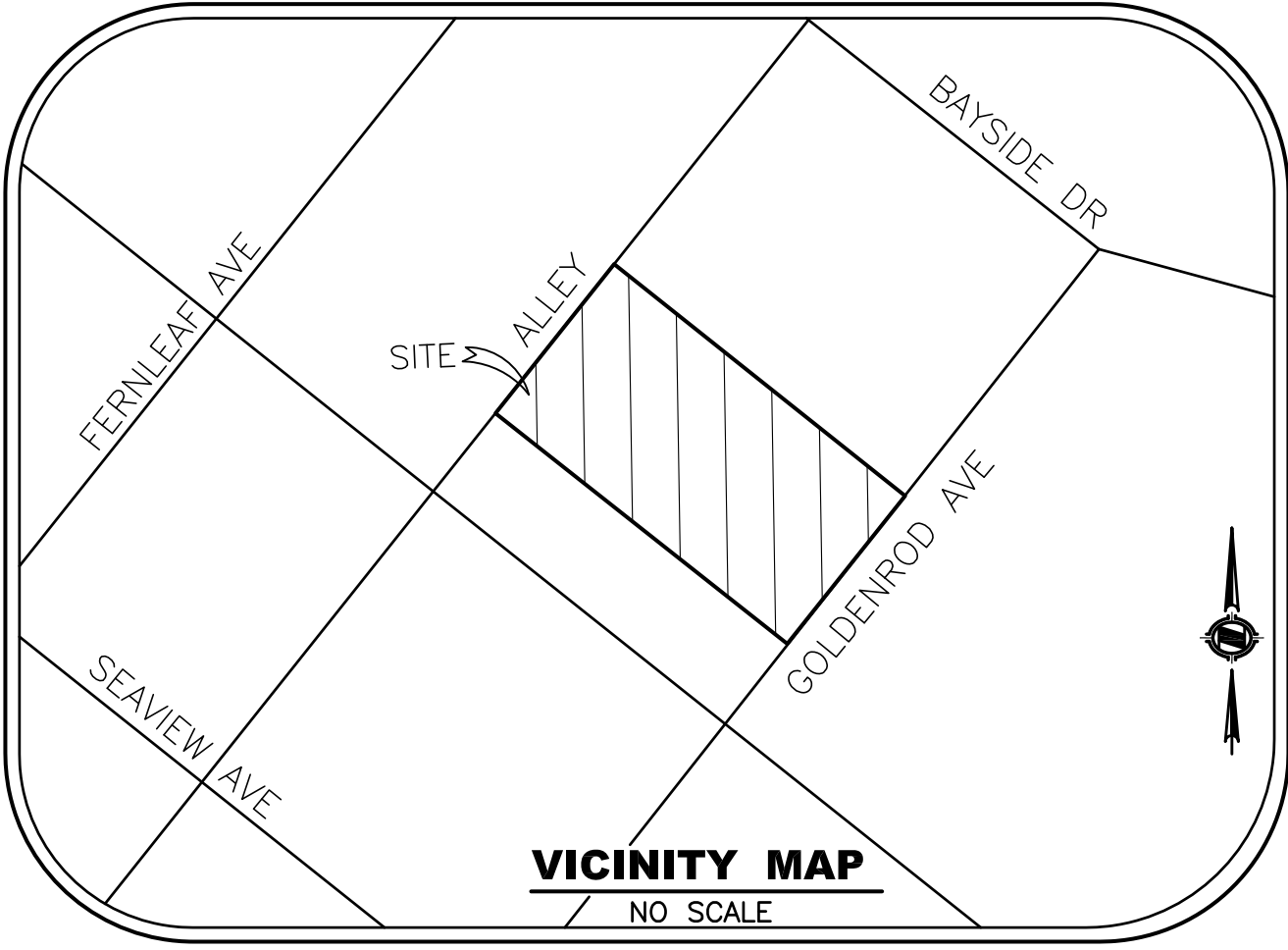
APEX LAND SURVEYING, INC.  
8512 OXLEY CIRCLE  
HUNTINGTON BEACH, CA 92646  
714.488.5006 PHONE  
714.333.4440 FAX  
CONTACT: PAUL D. CRAFT, PLS

309 GOLDENROD AVENUE  
CORONA DEL MAR, CA 92625

PREPARED BY:  
APEX LAND SURVEYING, INC.

LEGEND

- FIRE HYDRANT
- WROUGHT IRON FENCE (WIF)
- AC — ASPHALT PAVEMENT
- CENTERLINE
- FF — FINISHED FLOOR
- FFG — FINISHED FLOOR GARAGE
- FH — FIRE HYDRANT
- FL — FLOWLINE
- FS — FINISHED SURFACE
- NG — NATURAL GROUND
- PP — POWER POLE
- SCO — SEWER CLEAN-OUT
- TC — TOP OF CURB
- WDF — WOOD FENCE
- SFN — SEARCHED, FOUND NOTHING, SET NOTHING
- WM — WATER METER
- ( ) — EXISTING ELEVATION
- T.B.M. — TEMPORARY BENCHMARK SET ON  
SANITARY MANHOLE  
ELEV. =100.12 FEET.
- FOUND MONUMENT AS NOTED



SURVEYOR'S STATEMENT:  
THIS PLAT IS HAS BEEN PREPARED BY ME  
OR UNDER MY DIRECTION.

PAUL D. CRAFT, P.L.S. 8516 DATE  
LICENSE RENEWAL DATE 12/31/14

**Item 2. 309 Goldenrod Avenue Parcel Map (PA2013-009)**

In the draft Resolution of Approval:

- The same comments as in the previous item apply to Facts in Support of Finding F-2, G-2, I-1 and the absence of Finding L. The comments on Conditions of Approval 3, 19, 26 and 28 in the previous item also apply to the corresponding conditions here (3, 18, 25 and 27).
- With regard to Finding K, in view of the recent California Supreme Court opinion in *Pacific Palisades Bowl Mobile Estates, LLC v\_ City of Los Angeles*, [55 Cal.4th 783](#) (2012), I suspect that consistency with Coastal Act policies can be determined only by application for a Coastal Development Permit. The Court held that for purposes of the Coastal Act, "*Any subdivision under the Subdivision Map Act thus is, by definition, a species of change in the density or intensity of use of land and is a "development."* Although certain aspects of the Subdivision Map Act may be inapplicable or streamlined for condo projects creating four and fewer units, the draft Resolution strongly implies the Subdivision Map Act *is* applicable to this project. In view of this, and since the City is not currently certified to make Coastal Act consistency determinations, I think the Zoning Administrator should endeavor to inform the applicant of whether an application for a Coastal Development Permit is required, and if so, include that as a condition of approval. Since the Coastal Act concerns are likely to be minor, this may well, as the Court observes, result in the issuance of waiver. Nonetheless it would appear the application needs to be made.

**Item 3. 429 Orchid Avenue Parcel Map (PA2013-036)**

In the draft Resolution of Approval:

- The same comments as in Agenda Item 1 apply to Facts in Support of Finding G-2 and I-1 and to why Finding L is present.
- The comments on Conditions of Approval 19 and 28 in Agenda Item 1 also apply to the corresponding conditions here (26 and 29).
- It is not entirely clear why the Conditions of Approval related to fire sprinklers and smoke detectors that were included in the two previous agenda items, were omitted here. Perhaps because it is already under construction? Might those conditions still be needed in the event of a future reconstruction on the site, or are they merely echoing conditions already imposed by the Municipal Code?
- The consistency of Conditions 17 and 18 with City Council Policy G-1 is not completely obvious. It is possible that further review and approval, for example by the Parks, Beaches and Recreation Commission, may be required for changes in street trees.
- There are a couple of typos in Condition 18: "*The payment of a street tree planting fee/inspection to the City shall be made ~~or~~ for two 36 inch box "Magnolia Grandiflora Cultivars" which shall be planted in place of the two "Eucalyptus" trees.*"
- In Condition 27 does "finaling" a building permit mean certifying that construction was satisfactorily completed? If it means issuing the permit, the statement that "*The building permit for the new construction shall not be finalized until after recordation of the Parcel Map*" is difficult to reconcile with Fact A-1, which says that construction is already taking place.



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**To:** ZONING ADMINISTRATOR  
**Subject:** Additonal Materials Received

**Item No. 2a: Additional Materials Received**  
**Zoning Administrator March 28, 2013**  
**309 Goldenrod Avenue Parcel Map (PA2013-009)**

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**From:** Nancy Thompson [<mailto:wonderwin@roadrunner.com>]  
**Sent:** Wednesday, March 27, 2013 6:40 PM  
**To:** Van Patten, Jason  
**Cc:** [gardnerncy@aol.com](mailto:gardnerncy@aol.com); Kiff, Dave  
**Subject:** 309 Goldenrod / CdM - Project #A:PA2013-009

Mr. Jason Van Patten  
PLANNING TECHNICIAN  
Newport Beach ,CA

Dear Mr. Van Patten:

I recently received a notice regarding the demolition and building of a two unit condo project scheduled for 309 Goldenrod AVenue, and the announcement of a meeting to discuss said project scheduled for tomorrow, March 28th. As you can see from the photo, the existing property has already been demolished and the project is already framed, etc.

Was the wrong notice sent out in error and other changes are being requested, or was it just a 'slight' error in the timing of the notice? I am more concerned that the message of the notice itself is an error and changes that are outside of code are being requested. If non code items are being discussed I, along with several neighbors, would like to be informed so that we can attend the meeting tomorrow. Please advise via email or cell (949) 466-8734 and clarify. Thank you.

Sincerely,  
Nancy K. Thompson  
302 Fernleaf Avenue

Begin forwarded message:

**From:** Nancy Thompson <[thompsonnkt@gmail.com](mailto:thompsonnkt@gmail.com)>  
**Date:** March 27, 2013 6:05:33 PM PDT  
**To:** Nancy Thompson <[wonderwin@roadrunner.com](mailto:wonderwin@roadrunner.com)>



Sent from my iPhone